

**COULD BE WAIVED**

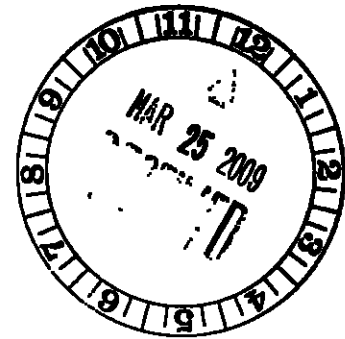
March 16, 2009

Anne K Quinlan, Esq  
Acting Secretary  
Surface Transportation Board  
395 E Street, S W  
Washington, DC 20423-0001

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Office of Proceedings

MAR 25 2009

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Public Record



RE: Central Railroad Company of Indianapolis Abandonment Exemption in  
Howard County, Indiana, STB Docket No AB-511 (Sub-No 4)

Dear Ms Quinlan

224748

This request is filed on behalf of the City of Kokomo, Indiana, which is a municipal corporation, and Greenways Foundation, Inc , which is a non-profit conservation group, both of which are hereinafter referred to as the "proponents" While not taking a position on the merits of this abandonment, the proponents request issuance of a Public Use Condition, as well as a Certificate of Notice of Interim Trail Use rather than an outright abandonment authorization of 2 38 miles of the Central Railroad Company of Indianapolis ("CERA") mainline between Milepost 181 26 to Milepost 183.64, and 2 8 miles of CERA's Tipton Industrial Lead between Milepost 51 5 and 54 3, for a total of 5 18 miles of trackage

#### A Public Use Condition

Proponents request the STB to find that this property is suitable for public use, specifically trail use, and to place the following conditions on the abandonment.

1 An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except of public use on reasonable terms. The justification for this condition is that the corridor is located within the City of Kokomo, connects to an existing railway (Nickel Plate Trail) and passes through an area where there currently exists a waterpark recreational facility operated by the public park system of the City of Kokomo The city has plans to expand their existing urban trail system to include the corridors CERA is proposing for abandonment The time period sought is 180 days from the effective date of the abandonment authorization Proponents need this much time because they have not had an opportunity to review title information, or to commence negotiations with the carrier

2 An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels The justification for this condition is that these structures have considerable value for recreational trail purposes

The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above

**B Interim Trial Use.**

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, Proponents also make the following request:

**STATE OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY**

In order to establish interim trail use and rail banking under section 8(d) of the National Trails Systems Act, 16 U.S.C. § 1247(d), and 49 C.F.R. § 1152.29, City of Kokomo and Greenways Foundation, Inc. are willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned and operated by CERA

The property known as the Central Railroad Company of Indianapolis ("CERA") mainline between Milepost 181.26 to Milepost 183.64, and 2.8 miles of CERA's Tipton Industrial Lead between Milepost 51.5 and 54.3, for a total of 5.18 miles of trackage.

The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-511 (Sub-No. 4).

A map depicting the right-of-way is attached


The City of Kokomo and Greenways Foundation, Inc. acknowledge that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By signature below, we certify of service upon the Central Railroad Company of Indianapolis, d/b/a, c/o Louis E. Gitomer Esq. and Melanie B. Yasbin Esq., 600 Baltimore Avenue, Suite 301, Towson, MD 21204, by U.S. Mail, postage prepaid, first class, this 19<sup>th</sup> day of MARCH, 2009.

Respectfully submitted,


**CITY OF KOKOMO**

By

  
Greg Goodnight, Mayor  
100 S. Union Street  
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**THE GREENWAYS FOUNDATION**

By

  
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